

AMENDED IN SENATE MAY 10, 2005

AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 1009

Introduced by Senator Florez

(Principal coauthor: Assembly Member McCarthy coauthors:
Assembly Members McCarthy and Parra)

February 22, 2005

An act to amend Section ~~41026~~ of 41027 of, and to repeal and add Section 41026 of, the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 1009, as amended, Florez. Water storage districts: election rolls.

Existing law, the California Water Storage District Law, requires the board of a water storage district to use the most recent county assessment rolls or to prepare an election roll to determine the ownership and value of parcels for the purpose of carrying out district elections. *Existing law requires the board to hold a public hearing to receive testimony regarding a preliminary election roll, to make any changes to the preliminary election roll following a hearing and deliberations, and to finalize the election roll in accordance with those changes.*

This bill would revise the manner in which a district election roll is prepared. The bill would require ~~the district, or other designated persons, for the purpose of preparing the election roll, to determine the value of each parcel on the basis of the benefits derived by each parcel as a result of being within the boundaries of the district, receiving services from the district, or both the district board to have a registered civil engineer prepare a preliminary election roll, and assign votes on the basis of one vote for each acre of land or portion thereof owned by that voter within the district, or on the basis of the~~

benefits derived by each parcel from being within the boundaries of the district, or from receiving services from the district, or both. The bill would require the district board, after making any changes to the preliminary election roll, to adopt the election roll. Under the bill, for a district organized on a one vote per acre basis, the adopted election roll would be deemed the final election roll. For a district organized on a benefits-derived basis, the bill would require the board of supervisors of the principal county to approve the adopted election roll, as prescribed.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 41026 of the Water Code is repealed.*
- 2 ~~41026. The board shall prepare a preliminary election roll.~~
- 3 ~~The preliminary election roll shall include all lands listed on the~~
- 4 ~~most recent county assessment roll, any federal and state land,~~
- 5 ~~and any other unvalued lands lying within the district. The roll~~
- 6 ~~shall list for each parcel within each division the holder of title to~~
- 7 ~~land, the number of acres, the estimated value, as determined by~~
- 8 ~~a qualified appraiser, exclusive of improvements, minerals, and~~
- 9 ~~mineral rights therein, and the number of votes assigned to that~~
- 10 ~~parcel. The secretary shall publish a notice of preparation of the~~
- 11 ~~preliminary election roll in accordance with Section 39057,~~
- 12 ~~indicating the date, time, and place of the hearing to consider the~~
- 13 ~~preliminary election roll. A copy of the preliminary election roll~~
- 14 ~~shall be available at the district's offices or other convenient~~
- 15 ~~location during regular business hours, and information~~
- 16 ~~concerning the availability of the preliminary election roll shall~~
- 17 ~~be provided in the published notice.~~
- 18 *SEC. 2. Section 41026 is added to the Water Code, to read:*
- 19 ~~41026. (a) The board shall have a preliminary election roll~~
- 20 ~~prepared pursuant to subdivision (b) by a registered civil~~
- 21 ~~engineer. The engineer shall prepare the preliminary election~~
- 22 ~~roll by division unless all district elections are at large.~~
- 23 ~~(b) The preliminary election roll shall include each parcel of~~
- 24 ~~land listed on the most recent county assessment roll, any federal~~
- 25 ~~and state land, and any other unvalued lands within the district.~~
- 26 ~~For each parcel, the preliminary election roll shall list the name~~

1 of the holder of title to land and the area of that parcel. The
2 preliminary election roll shall assign each voter one of the
3 following:

4 (1) One vote for each acre of land owned by that voter within
5 the district. If the voter owns less than one acre, the voter shall
6 be entitled to one vote. Any fraction of an acre shall be rounded
7 to the next full acre.

8 (2) A number of votes based on the benefits derived by each
9 parcel from being within the boundaries of the district, or from
10 receiving services from the district, or both. The engineer shall
11 consider, among other factors, the nature of the use or allowed
12 uses of the parcel, whether the parcel is developed or
13 undeveloped, and the nature of the district's services provided to
14 or available to the parcel.

15 (c) The secretary shall publish a notice of preparation of the
16 preliminary election roll pursuant to Section 39057, indicating
17 the date, time, and place of the board's hearing to consider the
18 preliminary election roll. The notice shall also provide
19 information concerning the availability of the preliminary
20 election roll.

21 (d) A copy of the preliminary election roll shall be available at
22 the district's offices during regular business hours and at any
23 other convenient location, as determined by the district.

24 SEC. 3. Section 41027 of the Water Code is amended to read:

25 41027. (a) The board shall hold a public hearing to receive
26 any testimony regarding the preliminary election roll. The
27 hearing may be continued from time to time. Following the
28 hearing and deliberations, the board shall make any changes to
29 the preliminary election roll and shall ~~order the roll finalized in~~
30 ~~accordance with any such changes. The secretary shall certify~~
31 ~~and file the final election roll not later than the first publication~~
32 ~~of the notice provided by Section 41308~~ adopt the election roll.

33 (b) If the preliminary election roll was prepared pursuant to
34 paragraph (1) of subdivision (b) of Section 41026, the adopted
35 election roll shall be deemed the final election roll.

36 (c) If the preliminary election roll was prepared pursuant to
37 paragraph (2) of subdivision (b) of Section 41026, the secretary
38 shall send the adopted election roll to the board of supervisors of
39 the principal county. Upon receiving the adopted election roll,
40 the board of supervisors of the principal county shall set the

1 date, time, and place for a public hearing to receive any
2 testimony regarding the adopted election roll. The board of
3 supervisors shall publish a notice of its public hearing pursuant
4 to Section 39057. At the hearing, the board of supervisors shall
5 receive any testimony regarding the adopted election roll. The
6 hearing may be continued from time to time. Following the
7 hearing and deliberations, the board of supervisors shall either
8 approve or disapprove the adopted election roll. If the board of
9 supervisors approves the adopted election roll, it shall send the
10 final election roll to the board. If the board of supervisors
11 disapproves the adopted election roll, the board of supervisors
12 shall notify the board of its disapproval and may recommend
13 changes to the adopted election roll for the board to consider.
14 The district shall compensate the principal county for any costs
15 incurred by the board of supervisors pursuant to this article.

16 (d) The secretary shall certify and file the final election roll
17 not later than the date of the first publication of the notice
18 provided pursuant to Section 41308.

19 ~~SECTION 1. Section 41026 of the Water Code is amended to~~
20 ~~read:~~

21 ~~41026. (a) The board shall prepare a preliminary election~~
22 ~~roll. The preliminary election roll shall be by division unless all~~
23 ~~district elections are at large. The preliminary election roll shall~~
24 ~~include each parcel of land listed on the most recent county~~
25 ~~assessment roll, any federal and state land, and any other~~
26 ~~unvalued lands within the district, and list for each parcel the~~
27 ~~name of the holder of title to land, the area of the parcel, the~~
28 ~~value of the parcel, exclusive of improvements, minerals, and~~
29 ~~mineral rights therein, and the number of votes attributable to the~~
30 ~~parcel.~~

31 ~~(b) The board shall determine the value of each parcel under~~
32 ~~paragraph (1) or (2):~~

33 ~~(1) The board may determine the value of each parcel on the~~
34 ~~basis of the benefits derived by each parcel as a result of being~~
35 ~~within the boundaries of the district, receiving services from the~~
36 ~~district, or both. The board shall consider for each parcel, among~~
37 ~~other things, the nature of the use or allowed uses of the parcel,~~
38 ~~whether the parcel is developed or undeveloped, and the nature~~
39 ~~of the district's services provided or available to the parcel.~~

1 ~~(2) The board may appoint commissioners under Section~~
2 ~~46150, a civil engineer under Section 46156, or a qualified real~~
3 ~~estate appraiser to determine the value of each parcel in~~
4 ~~accordance with paragraph (1).~~

5 ~~(e) The secretary shall publish a notice of preparation of the~~
6 ~~preliminary election roll in accordance with Section 39057,~~
7 ~~indicating the date, time, and place of the hearing to consider the~~
8 ~~preliminary election roll.~~

9 ~~(d) A copy of the preliminary election roll shall be available at~~
10 ~~the district's offices or other convenient location during regular~~
11 ~~business hours, and information concerning the availability of the~~
12 ~~preliminary election roll shall be provided in the published~~
13 ~~notice.~~